

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

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**FILE:** B-218472 **DATE:** April 19, 1985  
**MATTER OF:** Microcom Corporation  
**DIGEST:**

GAO dismisses protest contending that circumstances justify the head of a procuring agency's excluding a particular source from a procurement as authorized by 10 U.S.C. § 2304(b)(1), as amended by the Competition in Contracting Act of 1984, since the protested solicitation was issued on March 15, 1985, but section 2304(b)(1) applies only to solicitations issued after March 31, 1985.

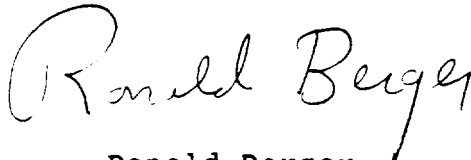
Microcom Corporation protests the terms of request for proposals (RFP) No. F09603-85-R-0190, issued by Warner Robins Air Force Base, Georgia, on the ground that they preclude full and open competition. Microcom requests that the Aydin Vector Corporation, the sole-source incumbent contractor, be excluded from this competition. We dismiss the protest.

According to Microcom, Aydin is the awardee of two recent large contracts for essentially the same item, which affords the firm a significant competitive advantage. Microcom contends that 10 U.S.C. § 2304(b)(1), as amended in the Competition in Contracting Act of 1984, Pub. L. No. 98-369, § 2723(a)(1), 98 Stat. 1187 (1984), authorizes agency heads to exclude a particular source from a procurement in order to establish or maintain alternate sources of supply. Microcom argues that the government could both reduce costs and expand the competitive base by taking such action here.

Section 2304(b)(1) permits the head of an agency to exclude a particular source under certain circumstances. However, this amended section applies only to solicitations issued after March 31, 1985. See the Competition in Contracting Act of 1984, supra, § 2751. Since the subject RFP was issued on March 15, 1985, there is no authority for the Air Force to exclude Aydin from this procurement.

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Microcom has not stated a valid basis for protest.  
Therefore, pursuant to our Bid Protest Regulations, 4  
C.F.R. § 21.3(f) (1985), the protest is dismissed.

A handwritten signature in cursive script that reads "Ronald Berger". The signature is written in dark ink and is positioned above the printed name and title.

Ronald Berger  
Deputy Associate  
General Counsel